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Date 24 MAY 1983

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REMARKS

Brenda,

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proposed legislation – 1983

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FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
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41 (Rev. 7-76)
FPMR (41 CFR) 101-11.206

DRAFT

1 1 APR 1983

Introduced in the Senate on 18 May 83 by Sen. Goldwater. S. 1324

A BILL

To amend the National Security Act of 1947 to regulate public

disclosure of information held by the Central Intelligence

Agency.

<u>Be it enacted by the Senate and House of Representatives</u>

<u>of the United States of America in Congress assembled</u>, That

this Act may be cited as the "Intelligence Information Act of

1983".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the Freedom of Information Act is providing the people
of the United States with an important means of acquiring
information concerning the workings and decision- making
processes of their government, including the Central
Intelligence Agency;

(2) the full application of the Freedom of Information Act
to the Central Intelligence Agency is, however, imposing unique
and serious burdens on this agency;

(3) the processing of a Freedom of Information Act request
by the Central Intelligence Agency normally requires the search
of numerous systems of records for information responsive to
the request;

(4) the review of responsive information located in
operational files which concerns sources and methods utilized
in intelligence operations can only be accomplished by senior
intelligence officers having the necessary operational training
and expertise;

(5) the Central Intelligence Agency must fully process all
requests for information, even when the requester seeks
information which clearly cannot be released for reasons of
national security;

(6) release of information out of operational files risks
the compromise of intelligence sources and methods;

(7) eight years of experience under the amended Freedom of Information Act has demonstrated that this time-consuming and burdensome search and review of operational files has resulted in the proper withholding of information contained in such files. The Central Intelligence Agency should, therefore, no longer be required to expend valuable manpower and other resources in the search and review of information in these files;

(8) the full application of the Freedom of Information Act to the Central Intelligence Agency is perceived by those who cooperate with the United States Government as constituting a means by which their cooperation and the information they provide may be disclosed;

(9) information concerning the means by which intelligence is gathered generally is not necessary for public debate on the defense and foreign policies of the United States, but information gathered by the Central Intelligence Agency should remain accessible to requesters, subject to existing exemptions under law;

(10) the organization of Central Intelligence Agency records allows the exclusion of operational files from the search and review requirements of the Freedom of Information Act while leaving files containing information gathered through intelligence operations accessible to requesters, subject to existing exemptions under law; and

(11) the full application of the Freedom of Information Act to the Central Intelligence Agency results in inordinate delays and the inability of these agencies to respond to requests for information in a timely fashion.

(b) The purposes of this Act are--

(1) to protect the ability of the public to request information from the Central Intelligence Agency under the Freedom of Information Act to the extent that such requests do not require the search and review of operational files;

(2) to protect the right of individual United States citizens and permanent resident aliens to request information on themselves contained in all categories of files of the Central Intelligence Agency; and

(3) to provide relief to the Central Intelligence Agency from the burdens of searching and reviewing operational files, so as to enable this agency to respond to the public's requests for information in a more timely and efficient manner.

SEC. 3. (a) The National Security Act of 1947 is amended by adding at the end thereof the following new title:

"TITLE VII - RELEASE OF REQUESTED INFORMATION

TO THE PUBLIC BY THE CENTRAL INTELLIGENCE

AGENCY

"Designation of Files by the Director of Central Intelligence as Exempt from Search, Review, Publication or Disclosure

"SEC. 701. (a) In furtherance of the responsibility of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure as set forth in section 102(d)(3) of this Act (50 U.S.C. 403(d)(3)) and section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g), operational files located in the Directorate of Operations, Directorate for Science and Technology, and Office of Security of the Central Intelligence Agency shall be exempted from the provisions of the Freedom of Information Act which require publication or disclosure, or search or review in connection therewith, if such files have been specifically designated by the Director of Central Intelligence to be concerned with --

"(1) the means by which foreign intelligence,

counterintelligence, or counterterrorism information is

collected through scientific and technical systems;

"(2) foreign intelligence, counterintelligence, or

counterterrorism operations;

"(3) investigations conducted to determine the

suitability of potential foreign intelligence, counter-

intelligence, or counterterrorism sources; and

"(4) intelligence or security liaison arrangements

or information exchanges with foreign governments or

their intelligence or security services.

"Provided, however, that nondesignated files which may contain

information derived or disseminated from designated operational

files shall be subject to search and review. The inclusion of

information from operational files in nondesignated files shall

not affect the designation of the originating operational files

as exempt from search, review, publication or disclosure.

Provided further, that the designation of any operational files

shall not prevent the search and review of such files for

information concerning any special activity the existence of

which is not exempt from disclosure under the provisions of the

Freedom of Information Act.

"(b) The provisions of subsection (a) of this

section shall not be superseded except by a provision of law

which is enacted after the date of enactment of subsection

(a), and which specifically cites and repeals or modifies

its provisions.

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"(c) Notwithstanding subsection (a) of this section, proper requests by United States citizens, or by aliens lawfully admitted for permanent residence in the United States, for information concerning themselves, made pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) or the Freedom of Information Act (5 U.S.C. 552), shall be processed in accordance with those Acts.".

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE VII - RELEASE OF REQUESTED INFORMATION
TO THE PUBLIC BY THE CENTRAL INTELLIGENCE
AGENCY

"Sec. 701. Designation of Files by the Director of Central Intelligence as Exempt from Search, Review, Publication or Disclosure.".

SEC. 4. The amendments made by section 3 shall be effective upon enactment of this Act and shall apply with respect to any requests for records, whether or not such request was made prior to such enactment, and shall apply to all cases and proceedings pending before a court of the United States on the date of such enactment.